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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,731

Applicant(s)

BULLOCK ET AL.

Examiner

Michael C. Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the applicant's amendment filed 14 April 2005. Claims 4, 16-17, 20 and 22-23 have been amended. Claims 1-28 are pending in this application and have been examined on the merits as discussed below.

Response to Amendment

2. The objection to the drawings in the First Office Action is withdrawn in response to the applicant's amendment to the specification and replacement sheets for page 2 of 9 (figures 2 and 3) and page 9 of 9 (figures 11 and 12).

3. The objection to the specification in the First Office Action is withdrawn in response to the applicant's amendment to the specification.

4. The objection to claims 4, 20, 16-17 and 22-23 in the First Office Action is withdrawn in response to the applicant's amendment to the claims.

Response to Arguments

5. Applicant's arguments, see p. 12-15 of amendment, filed 14 April 2005, with respect to the rejection of claims 1-28 under 35 U.S.C. 130(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kurzius et al. (U.S. Patent 6,385,620). Applicant argues Nadkarni (U.S. Patent 6,266,659) does not have a "matching engine" to match the needs profile and the

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capability profiles to identify matches. Kurzius et al. rectifies the "matching engine" deficiency by teaching a candidate matching engine that performs processing and matching of candidate profiles with suitable job postings (col. 4, lines 44-46). Please see the 35 U.S.C. 103(a) rejection below.

Specification

6. The disclosure is objected to because of the following informalities:

- On page 5 of replacement specification dated 15 April 2005, lines 1-3, delete "shows an basic business processes involved in an implementation of the present invention is implemented", and insert -- shows basic business processes involved in an implementation of the present invention --.
- On page 20 of replacement specification dated 15 April 2005, lines 6-7, delete "update profiles within data stores 416 and 418", and insert -- update profiles within data stores 416 and **414** --.
- On page 20 of replacement specification dated 15 April 2005, lines 32-33, delete "enables a hiring agent specify a named resource", and insert -- enables a hiring agent **to** specify a named resource --.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21 and 23-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, **claims 21 and 23-27** only recite an abstract idea. As to **claim 21**, the recited steps of providing a plurality of profiles, each profile associated with a user and each profile comprising a set of attributes describing the associated user; at least one restricted information section within a profile such that the profile can be accessed while the restricted information remains protected; automatically matching profiles based on correspondence of attributes specified in the profiles, including attributes within the restricted section; presenting automatically matched profiles to users associated with the profile in a manner that prevents exposing the restricted information section; enabling each user that is presented with a matched profile to indicate further interest; and responsive to receiving indication of further interest from all users associated with a

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matched profile, presenting detailed information including the restricted information section does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for incrementally revealing information, therefore is deemed to be directed to non-statutory subject matter. As to **claim 23**, the recited steps of generating a plurality of needs profiles, wherein each needs profile comprises attributes about a need associated with a particular hiring agent; storing the needs profiles as a data record; generating a plurality of capability profiles, wherein each capability profile attributes of a job applicant; storing the capabilities profiles as a data record; and repetitively and automatically matching the needs profiles and capability profiles to identify matched profiles, wherein a match comprises a set of profiles judged to be substantially compatible based upon correspondence of the attributes specified therein does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for matching job applicants with hiring agents, therefore is deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained

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above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a match of profiles and incrementally revealing information (i.e., repeatable, useful and tangible).

Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While claim 26 recites a notification message, this amounts to only communication where nothing is done (i.e., computing) to breathe life into the invention.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, the same rejection as stated above for claim 23 applies to **claims 24-27**.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. (U.S. Patent 6,385,620) in view of Joao (U.S. Patent 6,662,194). Kurzius

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et al. disclose a system and method for matching human resources to human resource needs comprising:

- **[Claim 23]** generating a plurality of needs profiles, wherein each needs profile comprises attributes about a need associated with a particular hiring agent (col. 7, lines 8-25, Kurzius et al. teach the job posting database is composed of a plurality of job posting records that are generated from job posting submissions received from the web server. The job posting review template is a template including fields used to display job criteria for a particular job posting record that is accessed for review.);
- storing the needs profiles as a data record (col. 7, lines 8-25, Kurzius et al. teach a job posting submission generated by an employer using a web server is organized and stored in a particular job posting record.);
- generating a plurality of capability profiles, wherein each capability profile attributes of a job applicant (col. 5, lines 49-67, Kurzius et al. teach that in operation of the system, the web server receives candidate qualification data in the form of a candidate profile from a job candidate.);
- storing the capabilities profiles as a data record (col. 5, lines 49-67, Kurzius et al. teach the candidate qualification data is communicated to the database server for processing, indexing and storage.); and
- matching the needs profiles and capability profiles to identify matched profiles, wherein a match comprises a set of profiles judged to be substantially compatible based upon correspondence of the attributes specified therein (col. 8, lines 28-40, Kurzius et al. teach a candidate matching engine operable to match candidate records to job posting records. The candidate matching engine includes matching algorithms and/or hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference.).

Kurzius et al. fail to teach the process is performed repetitively and automatically.

Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically. The operation may be triggered by any type of pre-

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specified event and/or occurrence, which may include a new individual listing, a new employer and/or hiring entity listing (col. 5, line 65 to col. 6, line 9, col.9, lines 11-15). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the automatic features of Joao with Kurzius et al. since Kurzius et al. teach a system for automated candidate recruiting (Abstract). Hiring new employees can be very costly and time consuming since most human resource organizations manually execute the search and hiring process. Joao teaches the reduction of recruiting effort, cost, and fees and the elimination of inefficiencies in the job search and recruitment effort (col. 41, lines 34-40); and Kurzius et al. teach the procedures can significantly reduce time and expense associated with recruiting while obtaining a higher rate of satisfaction with candidates who are selected for a particular position (col. 16, lines 1-10). Therefore, automating the feature of the process can save time and money and allows the human resource people to be better utilized. Both Kurzius et al. and Joao teach candidate recruiting methods, therefore there is motivation to combine with a reasonable expectation of success. The combination of Kurzius et al. and Joao teach all the features of claim 23.

- **[Claim 24]** notifying first and second users associated with a matched profile in identifying a matched profile (Joao: col. 8, lines 5-15, Joao teaches providing job searching services, recruitment services, and/or recruitment-related services, which facilitates providing notification to an employer and/or hiring entity, and to an individual when a recruitment-related opportunity arises.).
- **[Claim 25]** the act of notifying comprising presenting a selected subset of attributes from the matched profile to users associated with the matched profile (Kurzius et al.: col. 17, lines 56-63, Kurzius et al. teach the candidate

proficiency form includes a selection whereby a candidate indicates whether the candidate wishes to be notified of a particular job posting that matches the candidate's skills and proficiency. Joao: col. 14, lines 28-45 and col. 17, lines 57-67, Joao teaches the database contains data and/or information pertaining to the individuals, employees, independent contractors, freelancers, and/or other persons or entities, who or which utilizes the system to find or secure a job, project, or assignment. The data and/or information which is stored in the database, or the collection of databases, can be linked via relational database techniques, to the respective employer computers and/or individual computers and/or via any appropriate database management technique.).

- **[Claim 26]** responding to the notification with an indication of further interest in the identified match (Joao: col. 23, lines 14-25, Joao teaches the central processing computer will process the employer's response and determine if the employer is interested in pursuing discussions with the individual.); and
- generating a detailed notification message to the users associated with the matched profiles in response to receiving response messages from both users associated with a particular matched profile (Joao: col. 23, lines 35-52, Joao teaches if it is determined that the employer is interested in pursuing discussion with the individual, then the central processing computer will notify the individual by transmitting a message to the individual, and/or individual computer associated with the individual, so notifying the individual. The individual can review the data and/or information and transmit a response to the central processing computer.).
- **[Claim 27]** the act of generating a capability profile comprises including attributes within the capability profile that describe the associated user's desire to apply particular skills in a future employment (Kurzius et al.: col. 16, lines 50-57, Kurzius et al. teach candidates can indicate career goals, desired benefits and other comments directed toward the candidate's background or toward the candidate's desired employment opportunity. Joao: col. 5, lines 12-16, Joao teaches individuals, job applicants, prospective employees, independent contractors, temporary workers, and/or freelancers, etc., can also post and/or list data and/or information regarding themselves.).

Claims 1-4, 7 and 28 substantially recites the same limitations as that of claims 23-27 with the distinction of the recited method being a system and a single bearing medium

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embodying a program of machine-readable instructions. Hence the same rejection for claims 23-27 as applied above applies to claims 1-4, 7 and 28.

- **[Claim 5]** the each need profile specifies attributes that describe a human resources need and each capability profile comprises attributes that describe skills of a job candidate (Kurzius et al.: col. 6, lines 27-29 and col. 7, lines 23-25, Kurzius et al. teach the job posting review template used to display job criteria for a particular job posting record that is accessed for review. Candidate qualification data entered by a potential candidate is organized and stored in a candidate record.).
- **[Claim 6]** the job candidate attributes include attributes describing the associated candidate's qualifications (Kurzius et al.: col. 5, lines 49-51, Kurzius et al. teach the web server receives candidate qualification data in the form of a candidate profile from a job candidate.).
- **[Claim 8]** the needs profile data record is persistent (Kurzius et al.: col. 7, lines 8-25, Kurzius et al. teach a job posting submission generated by an employer using a web server is organized and stored in a particular job posting record.).
- **[Claim 9]** the capability profile data record is persistent (Kurzius et al.: col. 5, lines 49-67, Kurzius et al. teach the candidate qualification data is communicated to the database server for processing, indexing and storage.).
- **[Claim 10]** each need profile is associated with an entity and is generated by the associated entity without knowledge of any capability profile (Kurzius et al.: col. 7, lines 8-46, Kurzius et al. teach job posting records are organized with the job posting database according to the identity of the employer submitting the corresponding job posting submission. Additional fields reviewable by an employer include feedback fields for indicating candidates that have selected an application input or otherwise expressed interest in the displayed job posting record. The Examiner interprets the job posting record to be available to candidates, therefore is posted without knowledge of any capability profile.).
- **[Claim 11]** each capability profile is associated with an entity and is generated by the associated entity without knowledge of any need profile (Kurzius et al.: col. 5, lines 49-51 and col. 8, lines 28-31, Kurzius et al. teach the web server receives candidate qualification data in the form of a candidate profile from a job candidate. The candidate matching engine is operable to match candidate's records to job posting records. The Examiner interprets the matching process to indicate the lack of knowledge of any need

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profile since if knowledge was known then there would not be a need for a matching engine.).

- **[Claim 12]** a user interface for gathering information from a job applicant (Kurzius et al.: col. 3, lines 66-67 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a web server in communication with a candidate client. Candidate client include a web browser.);
- a data record generated from the gathered information, the data record comprising a plurality of attributes describing skills of an associated job applicant, the data record being formatted for use in and continuously accessible by an external matching engine (Kurzius et al.: col. 5, lines 49-67 and col. 8, lines 28-40, Kurzius et al. teach the candidate qualification data is communicated to the database server for processing, indexing and storage. A candidate matching engine operable to match candidate records to job posting records includes matching algorithms and/or hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference. Joao: col. 5, line 65 to col. 6, line 9, col.9, lines 11-15, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically. The operation may be triggered by any type of pre-specified event and/or occurrence, which may include a new individual listing, a new employer and/or hiring entity listing); and
- a network interface configured to communicate the data record to the external matching engine (Kurzius et al.: col. 4, lines 49-62 and col. 5, lines 25-37, Kurzius et al. teach a web server and database server can be separate servers communicating across a particular communications link. The system may be part of a local area network (LAN), a wide-area network (WAN) or other suitable network or interconnection of computing devices.);
- **[Claim 13]** the data record is formatted to enable the external matching engine to readily detect matches between the described skills and required skills of a hiring agent data record accessible by the matching engine (Kurzius et al.: col. 8, lines 28-40 and col. 10, lines 6-13, Kurzius et al. teach the candidate matching engine is a software module or other suitable combination of software and/or hardware components operable to match candidate records to job posting records. The candidate qualification data is received from the candidate as entered or selected in the candidate survey form. For, example, after a candidate has completely filled out a candidate survey form with both freeform data and data selected by the candidate from pregenerated data items, a candidate may select to submit the survey form.

The Examiner interprets the pregenerated data items to suggest a format for the data that is used by the matching engine.).

- **[Claim 14]** the data record further comprises attributes describing the associated job applicants desire to utilize specified skills in future job assignments (Kurzius et al.: col. 16, lines 50-57, Kurzius et al. teach candidates can indicate career goals, desired benefits and other comments directed toward the candidate's background or toward the candidate's desired employment opportunity. Joao: col. 5, lines 12-16, Joao teaches individuals, job applicants, prospective employees, independent contractors, temporary workers, and/or freelances, etc., can also post and/or list data and/or information regarding themselves.);
- **[Claim 15]** a user interface for gathering information from a human hiring agent (Kurzius et al.: col. 3, line 66 to col. 4, line 1 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a web server in communication with a recruiter client and an employer client. Recruiter client and an employer client include a web browser.);
- a data record generated from the gathered information, the data record comprising a plurality of attributes describing skills required by an associated job, the data record being formatted for use in and continuously accessible by an external matching engine (Kurzius et al.: col. 7, lines 23-25, Kurzius et al. teach the job posting review template is a template including fields used to display job criteria for a particular job posting record that is accessed for review. Joao: col. 5, line 65 to col. 6, line 9, col.9, lines 11-15, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically. The operation may be triggered by any type of pre-specified event and/or occurrence, which may include a new individual listing, a new employer and/or hiring entity listing); and
- a network interface configured to communicate the data record to the external matching engine (Kurzius et al.: col. 4, lines 49-62 and col. 5, lines 25-37, Kurzius et al. teach a web server and database server can be separate servers communicating across a particular communications link. The system may be part of a local area network (LAN), a wide-area network (WAN) or other suitable network or interconnection of computing devices.);
- **[Claim 16]** the data record is formatted to enable the external matching engine to readily detect matches between the required skills and described skills of a job applicant agent data record accessible by the matching engine (Kurzius et al.: col. 7, lines 23-47, col. 8, lines 28-40 and col. 10, lines 6-13,

Kurzius et al. teach the candidate matching engine is a software module or other suitable combination of software and/or hardware components operable to match candidate records to job posting records. The candidate qualification data is received from the candidate as entered or selected in the candidate survey form. For, example, after a candidate has completely filled out a candidate survey form with both freeform data and data selected by the candidate from pregenerated data items, a candidate may select to submit the survey form. As with candidate review templates, different versions of job posting templates may exist and be displayed depending on the identity of the user accessing a job posting record for review. The Examiner interprets the pregenerated data items and template to suggest a format for the data that is used by the matching engine.).

- **[Claim 17]** a template data record, the template data record comprising predefined attributes describing the skills required by the associated job, wherein the user interface is populated with information from the template data record before gathering information from the human hiring agent (Kurzius et al.: col. 7, lines 23-47 and col. 14, lines 55-67, Kurzius et al. teach that as with candidate review templates, different versions of job posting templates may exist and be displayed depending on the identity of the user accessing a job posting record for review. A job posting form is presented to the employer for entry of job description. The job posting form includes desired candidate qualifications in the form of job criteria.).
- **[Claim 18]** a database storing a plurality of hiring agents and a plurality of job applicant agents (Joao: col. 14, lines 28-45, Joao teaches the central processing computer also includes a database(s), which contains data and/or information pertaining to the individuals, employees, independent contractors, freelancers, and/or other persons or entities who or which utilize the system in order to find or secure a job, project or assignment.);
- a mechanism for continuously comparing profiles in the database to identify matches between hiring agents and job applicant agents (Joao: col. 9, lines 10-15 and 33-40, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically, and which provides automatic notification of, and/or announcements of, job openings, position openings, projects, and/or assignments, the availability of job applicants and/or the availability of goods and/or service providers, to respective parties.).
- **[Claim 19]** a notification mechanism responsive to identification of a match for notifying users associated with agents associated with a match (Joao: col. 8, lines 5-15, Joao teaches providing job searching services,

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recruitment services, and/or recruitment-related services, which facilitates providing notification to an employer and/or hiring entity, and to an individual when a recruitment-related opportunity arises.).

- **[Claim 20]** an interface receiving job applicant agent profiles (Kurzius et al.: col. 3, lines 66-67 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a web server in communication with a candidate client. Candidate client include a web browser.);
- an interface receiving hiring agent profiles (Kurzius et al.: col. 3, line 66 to col. 4, line 1 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a web server in communication with a recruiter client and an employer client. Recruiter client and an employer client include a web browser.);
- wherein the mechanism for continuously comparing profiles is invoked in response to receiving a new profile (Joao: col. 9, lines 10-15 and 33-40, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically, and which provides automatic notification of, and/or announcements of, job openings, position openings, projects, and/or assignments, the availability of job applicants and/or the availability of goods and/or service providers, to respective parties.);
- **[Claim 21]** providing a plurality of profiles, each profile associated with a user and each profile comprising a set of attributes describing the associated user (Kurzius et al.: col. 7, lines 8-25, Kurzius et al. teach the job posting database is composed of a plurality of job posting records that are generated from job posting submissions received from the web server. The job posting review template is a template including fields used to display job criteria for a particular job posting record that is accessed for review.);
- at least one restricted information section within a profile such that the profile can be accessed while the restricted information remains protected (Joao: col. 14, line 61 to col. 15, line 10, Joao teaches that in order to preserve confidentiality and/or so as to maintain an anonymous identity, each of the type of information can be described in a generic manner. Each and every field of data and/or information can be represented by a corresponding generic term or terms so as to keep the true information masked for a desired time period or during a certain period of processing.);
- automatically matching profiles based on correspondence of attributes specified in the profiles, including attributes within the restricted section (Kurzius et al.: col. 8, lines 28-40, Kurzius et al. teach a candidate matching

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engine operable to match candidate records to job posting records. The candidate matching engine includes matching algorithms and/or hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference. Joao: col. 9, lines 10-15 and 33-40, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically, and which provides automatic notification of, and/or announcements of, job openings, position openings, projects, and/or assignments, the availability of job applicants and/or the availability of goods and/or service providers, to respective parties.);

- presenting automatically matched profiles to users associated with the profile in a manner that prevents exposing the restricted information section (Joao: col. 14, line 61 to col. 15, line 10, Joao teaches that in order to preserve confidentiality and/or so as to maintain an anonymous identity, each of the type of information can be described in a generic manner. Each and every field of data and/or information can be represented by a corresponding generic term or terms so as to keep the true information masked for a desired time period or during a certain period of processing.);
- enabling each user that is presented with a matched profile to indicate further interest (Joao: col. 23, lines 35-52, Joao teaches if it is determined that the employer is interested in pursuing discussion with the individual, then the central processing computer will notify the individual by transmitting a message to the individual, and/or individual computer associated with the individual, so notifying the individual. The individual can review the data and/or information and transmit a response to the central processing computer. The central processing computer will process the individual's response and determine if the individual is interesting in pursuing discussions with the employer.); and
- responsive to receiving indication of further interest from all users associated with a matched profile, presenting detailed information including the restricted information section (Joao: col. 14, line 61 to col. 15, line 10, and col. 23, lines 35-52, Joao teaches that in order to preserve confidentiality and/or so as to maintain an anonymous identity, each of the type of information can be described in a generic manner. Each and every field of data and/or information can be represented by a corresponding generic term or terms so as to keep the true information masked for a desired time period or during a certain period of processing. Any of the data and/or information may have hyperlinks associated therewith for directing a party to a separate and/or a different data and/or information source. The information source may be external from the central

processing computer. If it is determined that the employer is interested in pursuing discussion with the individual, then the central processing computer will notify the individual by transmitting a message to the individual, and/or individual computer associated with the individual, so notifying the individual. The individual can review the data and/or information and transmit a response to the central processing computer. The central processing computer will process the individual's response and determine if the individual is interesting in pursuing discussions with the employer. The examiner interprets the references to strongly suggest that at any time during the process of responding the true information can be revealed.).

- **[Claim 22]** an unmatched state (Kurzius et al.: col. 5, lines 49-67 and col. 8, lines 28-31, Kurzius et al. teach a web server receives candidate qualifications data in the form of a candidate profile. The candidate qualification data may be communicated to a database server for processing, indexing and storage using the candidate mapping engine. The web server also receives job posting submissions from an employer via an employer client using the employer web engine. Job posting submissions may also be communicated to a database server for processing, indexing and storage using an employer indexing engine. Candidate matching engine is a software module operable to match candidate records to job posting records. The Examiner interprets that Kurzius et al. suggest an unmatched state prior to employing the matching engine.);
- an automatched state reached from the unmatched state upon detection of a substantial correspondence between a first stored profile and a second stored profile (Joao: col. 9, lines 10-15 and 33-40, Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically, and which provides automatic notification of, and/or announcements of, job openings, position openings, projects, and/or assignments, the availability of job applicants and/or the availability of goods and/or service providers, to respective parties.);
- a first interested state reached from the automatched state upon indication that a user associated with the first stored profile is interested in pursuing a relationship with a user associated with the second stored profile (Joao: col. 23, lines 35-52, Joao teaches if it is determined that the employer is interested in pursuing discussion with the individual, then the central processing computer will notify the individual by transmitting a message to the individual, and/or individual computer associated with the individual, so notifying the individual. The individual can review the data and/or information and transmit a response to the central processing computer. The central

processing computer will process the individual's response and determine if the individual is interesting in pursuing discussions with the employer.);

- a second interested state reached from the automatched state upon indication that a user associated with the second stored profile is interested in pursuing a relationship with a user associated with the [first] stored profile (Joao: col. 23, lines 35-52, Joao teaches if it is determined that the employer is interested in pursuing discussion with the individual, then the central processing computer will notify the individual by transmitting a message to the individual, and/or individual computer associated with the individual, so notifying the individual. The individual can review the data and/or information and transmit a response to the central processing computer. The central processing computer will process the individual's response and determine if the individual is interesting in pursuing discussions with the employer.);
- a not interested state reached from the automatched state upon indication that either the user associated with the first stored profile or the user associated with the second stored profile is not interested in pursuing a relationship with the other user (Joao: col. 22, lines 54-67, Joao teaches the central processing computer will determine whether the individual wants to apply for any of the reported jobs. If it is determined that the individual does not want to apply for any of the reported jobs, the central processing computer will record and/or store any and/or all data and/or information regarding and/or pertinent to the search and/or corresponding results, up to this point, including the actions of the individual.); and
- an evaluating state reached from the first interested state upon indication that a user associated with the second stored profile is interested in pursuing a relationship with a user associated with the first stored profile or upon indication that a user associated with the first stored profile is interested in pursuing a relationship with a user associated with the second stored profile (Joao: col. 24, lines 22-49, Joao teaches that if it is determined that the employer is interesting in pursuing the opportunity with the individual, the central processing computer will put the employer and the individual in contact with each other by transmitting contact information to either or both of the employer and/or the individual. The central processing computer can monitor the interview, employment screening, and/or recruitment processes, which takes place between the employer and the individual. The examiner interprets an evaluation state is reached when both users are in contact with each other and an interview takes place.).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- Barney et al. (U.S. Patent 6,070,143) disclose a system and method for analyzing work requirements and linking human resource products to jobs.
- Bukow (U.S. Patent 6,567,784) discloses a method and apparatus for matching projects and workers.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306

[Official communications; including After Final communications labeled "**Box AF**"]

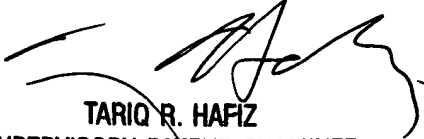
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[Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

MCH

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27 June 2005


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